

DATE: 4/2/2008 CASE NUMBER: 08-15556M-001

USA vs. Auerelio Jesus Reyes-Lopez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

<p>DETENTION HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset</p> <p>Set for: Before:</p> <p><input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal</p> <p><input type="checkbox"/> Defendant ordered released _____</p> <p><input type="checkbox"/> Defendant continued detained pending trial</p> <p><input type="checkbox"/> Flight risk <input type="checkbox"/> Danger</p>	<p>IDENTITY HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset</p> <p><input type="checkbox"/> Waived</p> <p>Set for: Before:</p> <p><input type="checkbox"/> Warrant of removal issued.</p>
<p>PRELIMINARY HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset</p> <p><input type="checkbox"/> Waived</p> <p>Set for: Before:</p> <p><input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed</p> <p><input type="checkbox"/> Held to answer before District Court</p>	<p>STATUS HEARING: re: <u>Venue Waiver</u></p> <p><input checked="" type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset</p> <p>Set for: Before:</p>

Other: Government moves for dismissal of the complaint. Defense has no objection. Court grants motion dismissing case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 4/1/2008 CASE NUMBER: 08-15556-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Auerelio Jesus Reyes-Lopez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Richard L. Juarez (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 3/31/08 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☐ Held ☒ Cont'd ☐ Reset
Set for: 4/2/08 at 1:00 pm before: Magistrate Judge Irwin

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☐ Defendant sworn and examined by the Court ☐ Plea of Guilty ☐ Not Guilty ☐ Entered to Counts _____
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☐ Plea of Guilty entered as to Ct(s) _____ of the ☐ Information ☐ Indictment ☐ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☐ To be dismissed upon entry of the judgment, Ct(s) _____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☐ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of ____ ☐ Probation/Supervised Release for _____
☐ Special Assessment \$ _____ ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: Defendant declines to sign waiver of venue. Government moves for a continuance. Defense has no objection. Court grants motion.

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Auerelio Jesus REYES-Lopez

Citizen of Mexico

YOB: 1983

095683148

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15556 M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about January 28, 2008, near San Ysidro, California in the Southern District of California, Defendant Auerelio Jesus REYES-Lopez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Signature of Complainant

Joseluis Reynoso

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

April 1, 2008

Date

at

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Auerelio Jesus REYES-Lopez

Dependents: 2 USC

IMMIGRATION HISTORY: The Defendant is an illegal alien, and has been formally removed from the United States on 1 previous occasion.

CRIMINAL HISTORY:

<u>DATE</u>	<u>LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
08/12/04	Los Angeles, CA	Forgery of Official Seal	Dismissed
		False Identification to a Peace Officer	Dismissed
		Unlawful Use of a Driver's License	5 Days Jail, 24 Months Probation, \$150 Fine, \$100 Restitution
09/01/06	San Gabriel, CA	Theft	3 Years Probation
09/01/06	Blythe, CA	Bringing in or Harboring	40 Days Jail
07/16/07	Norwalk, CA	Grand Theft/labor/Property	1 Day Jail, 3 Years Probation

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Blythe, California.

At the time of the encounter, Auerelio Jesus REYES-Lopez, attempted to evade apprehension by running on foot. Supervisory Border Patrol Agent Ramirez followed REYES for approximately 1 mile before locating REYES hiding beneath several large bushes.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

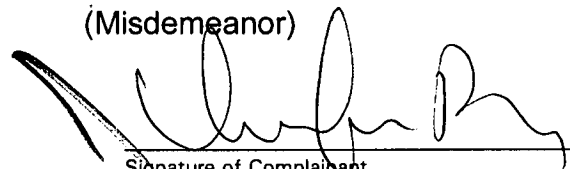
The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near San Ysidro, California on January 28, 2008.

Charges: 8 USC§1325

(Misdemeanor)

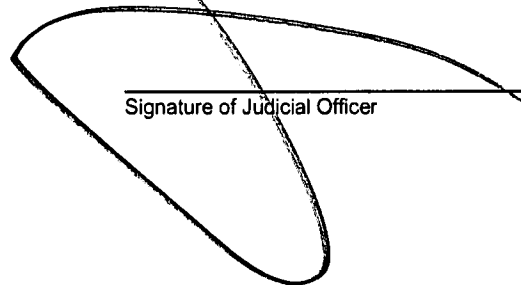


Signature of Complainant

Sworn to before me and subscribed in my presence,

April 1, 2008

Date



Signature of Judicial Officer